

PDR NO. 0287-20

IN THE COURT OF CRIMINAL
APPEALS AT AUSTIN, TEXAS

FILED
COURT OF CRIMINAL APPEALS
10/1/2020
DEANA WILLIAMSON, CLERK

HAPPY TRAN PHAM, Appellant

V.

THE STATE OF TEXAS, Appellee

*The Fourteenth Court of Appeals
Case No. 14-17-00400-CR*

APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS

COMES NOW, HAPPY TRAN PHAM, Appellant in the above-styled and numbered cause, by and through his Counsel of Record, BRITTANY CARROLL LACAYO, and files this Motion to Extend Time to File Appellant's Brief and in support thereof would show this Court the following:

I.

Appellant was convicted of Murder. Fourteenth Court of Appeals affirmed the convictions in a published opinion filed October 31, 2019. Petitioner filed a Petition for Rehearing En Banc, which was denied on March 5, 2020. Appellant's Petition for Discretionary Review was filed on April 23, 2020. Appellant's Petition for Discretionary Review was granted on September 16, 2020. Appellant's Brief is due on October 16, 2020. This is Appellant's first request for an extension of time. Appellant requests an extension of thirty (30) days to file the brief.

Counsel for Appellant has worked diligently to complete the Appellant's Brief in the

above styled cause, and has not completed the brief for the following reasons:

1. Counsel is scheduled for in-patient surgery on October 1, 2020. Counsel will be unable to return to work until October 14, 2020.
2. Counsel is preparing a brief in the case styled *United States of America v. Carmen Saldana Meyer*, Case No. 20-20094, which is due to be filed in the Fifth Circuit on October 28, 2020.
3. Counsel is scheduled to appear in the case styled *State of Texas v. Adolph Ukah*, pending in County Criminal Court at Law No. 3 of Harris County, Texas on October 27, 2020.
4. Counsel is scheduled to appear in the case styled *State of Texas v. Lakeisha Wickliffe*, Case No. 19-DCR-089733, which is pending in the 268th Judicial District Court of Fort Bend County, Texas, on October 27, 2020.
5. Counsel is scheduled to appear in the case styled *State of Texas v. Adolph Ukah*, which is pending in the 228th Judicial District Court of Harris County, Texas on October 29, 2020.
6. Counsel is scheduled to appear in the case styled *State of Texas v. Jacobi Small*, which is pending in County Criminal Court at Law No. 16 of Harris County, Texas on October 30, 2020.
7. Counsel is scheduled to appear in the case styled *State of Texas v. Manuel Guzman*, which is pending in County Criminal Court at Law No. 6 of Harris County, Texas on November 5, 2020.
8. Counsel is scheduled to appear in the case styled *State of Texas v. Felipe Reyes*, which is pending in the 248th Judicial District Court of Harris County, Texas on November 11, 2020.

9. Counsel is scheduled to appear in the case styled *State of Texas v. Jarred Fugleberg*, which is pending in Reintegration Court in Harris County, Texas on November 11, 2020.
10. Counsel is scheduled to appear in the case styled *State of Texas v. Jeremiah Hartfield*, which is pending in the 21st Judicial District Court of Washington County, Texas on November 12, 2020.
11. Counsel is scheduled to appear in the case styled *State of Texas v. Tiffany Woods*, which is pending in the 248th Judicial District Court of Harris County, Texas on November 17, 2020.
12. Counsel is scheduled to appear in the case styled *State of Texas v. Jeremiah Hartfield*, which is pending in Washington County Court at Law on November 18, 2020.

II.

This request is not made for the purpose of delay, but rather this request is made to allow counsel adequate time to prepare Appellant's Brief moves this Court for an order granting an extension of thirty (30) days, or until November 16, 2020 for Appellant to submit his brief in this case.

WHEREFORE, PREMISES CONSIDERED, Appellant moves this Court for an order granting an extension of thirty (30) days, to submit the Appellant's Brief in this case.

Respectfully submitted,

/s/ Brittany Carroll Lacayo
BRITTANY CARROLL
LACAYO TBA No. 24067105
212 Stratford St.
Houston, Texas 77006
Telephone: (713) 504-0506
Facsimile: (832) 442-5033
Email:
Brittany@bcllawfirm.com

COUNSEL FOR APPELLANT,
HAPPY TRAN PHAM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Extension of Time to File Appellant's Brief was served by electronic service to the Harris County District Attorney's Office and the State Prosecuting Attorney on September 29, 2020.

/s/ Brittany Carroll Lacayo
BRITTANY CARROLL LACAYO

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Brittany Lacayo
Bar No. 24067105
Brittany@bcllawfirm.com
Envelope ID: 46688599
Status as of 10/1/2020 10:09 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Eric E. Kugler	796910	kugler_eric@dao.hctx.net	9/29/2020 5:10:11 PM	SENT
Stacey Soule	24031632	information@spa.texas.gov	9/29/2020 5:10:11 PM	SENT